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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff(s),

Case No. 2:07-CR-60 JCM (VCF)

9 v.

ORDER

10 LANCE GRANDBERRY,

11 Defendant(s).

12
13 Presently before the court is defendant Lance Grandberry's motion to stay his motion to
14 vacate. (ECF No. 181). Plaintiff United States of America ("the government") filed a response
15 (ECF No. 182), to which defendant replied (ECF No. 183).

16 Also before the court is the government's motion for leave to advise the court of new
17 authority. (ECF No. 180). Defendant did not file a response and the time to do so has passed.

18 On January 14, 2008, the court sentenced defendant to 216 months of custody followed by
19 five years of supervised release for interfering with commerce by robbery in violation of 18 U.S.C.
20 § 1951 and use of a firearm during a crime of violence 18 U.S.C. § 924(c). (ECF Nos. 82, 84).
21 On June 17, 2016, defendant filed an abridged motion to vacate, set aside, or correct the conviction
22 pursuant to 28 U.S.C. § 2255. (ECF No. 171). On December 13, 2016, defendant filed a
23 supplemental, fully-briefed motion to vacate. (ECF No. 167).

24 Now, defendant requests that the court stay his motion to vacate until the Ninth Circuit
25 issues a mandate in *United States v. Blackstone*, 903 F.3d 1020 (9th Cir. 2018) or until the United
26 States Supreme Court resolves *certiorari*, whichever occurs later. (ECF No. 181). Because
27 *Blackstone* is an ongoing appeal pertaining to mandatory authority that will affect the outcome of
28 this litigation, the court will grant defendant's motion to stay.

1 As for the government's motion, the court will allow the government to file supplemental
2 briefing on *Blackstone* after the ongoing appeal has concluded. The court will also provide
3 defendant with an opportunity to respond.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to stay
6 (ECF No. 181) be, and the same hereby is, GRANTED.


7 IT IS FURTHER ORDERED that the government motion for leave to advise the court of
8 new authority (ECF No. 180) be, and the same hereby is, GRANTED, consistent with the
9 foregoing.

10 IT IS FURTHER ORDERED that the matter defendant's motion to vacate (ECF Nos. 167,
11 172) be, and the same hereby is, STAYED.

12 The parties shall file a stipulation to lift stay within ten (10) days after the Ninth Circuit
13 issues a mandate in *United States v. Blackstone*, 903 F.3d 1020 (9th Cir. 2018) or the United States
14 Supreme Court resolves *certiorari*, whichever occurs later.

15 After the court lifts stay, the government shall have fourteen (14) days to file a
16 supplemental brief pertaining to any new authority relevant to this action. Thereafter, defendant
17 shall have fourteen (14) days to respond, and the government shall have seven (7) days to reply.

18 DATED May 8, 2019.

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20 UNITED STATES DISTRICT JUDGE
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